IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

MONDAY, THE 6TH AUGUST 2007 / 15TH SRAVANA 1929

WP(C).No. 4100 of 2007(S)

AGAINST THE ORDER DATED 2/2/2006 IN EP 96 2006 IN OS.536/2000 of FAMILY COURT,TRIVANDRUM

.....

PETITIONER:

VIJAYAN NAIR, AGED 42,
S/O.BALAKRISHNAN NAIR, MUTARATHALA VEEDU,
KANACODE P.O., VATTINADU, VATTAPPARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.K.KARTHIKEYAN
SRI.R.T.PRADEEP

RESPONDENTS:
---

1. PRABHA KUMARI, PADINJATTETHIL VEEDU,
KANACODE P.O.VETTINADU, VATTAPPARA,
THIRUVANANTHAPURAM.

2. AKHILA, MINOR, AGED 12 YEARS,
RESIDING AT DO. DO.
REPRESENTED BY GUARDIAN MOTHER 1ST RESPONDENT.

BY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 06/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P(C)No.4100/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1. TRUE COPY OF JUDGMENT DATED 28-6-2002 IN o.s.nO.536/2000, FAMILY COURT, THIRUVANANTHAPURAM

EXT.P2. TRUE COPY OF E.P.NO.96/2002 FILED BY RESPONDENTS BEFORE FAMILY COURT, NEDUMANGAD

EXT.P3. TRUE COPY OF DISCHARGE CARD FOR PETITIONER'S TREATMENT.

EXT.P4. COPY OF OUTPATIENT RECORD DATED 1-7-2006

EXT.P5. TRUE COPY OF SUMMARY SHEET DATED NIL

EXT.P6. TRUE COPY OF PHOTOGRAPHS OF PETITIONER

EXT.P6a. do. do.

EXT.P7. TRUE COPY OF I.A.3051/05 DATED 26-11-05 IN O.S.536/00 FILED BY PETITIONER BEFORE THE FAMILY COURT, THIRUVANANTHAPURAM

EXT.P8. TRUE COPY OF I.A.3052/05 IN OS 536/00 FILED BY THE PETITIONER DATED 26-11-05 F.C. THIRUVANANTHAPURAM

EXT.P9. TRUE COPY OF APPLICATION DATED 2-2-06 IN E.P.96/2005 OF PETITIONER BEFORE THE FAMILY COURT, NEDUMANGAD.

/ TRUE COPY /

P.S.TO JUDGE

KURIAN JOSEPH & T.R.RAMACHANDRAN NAIR,JJ.

W.P(C)No.4100 of 2007

Dated this the 6th day of August, 2007

JUDGMENT

Kurian Joseph,J.

The writ petition is filed with the following prayer:-

> (i) to direct the Family Court, Nedumangadu to keep the proceedings in E.P.No.96/05 which arose from O.S.No.536/2000 of Family Court, Thiruvananthapuram in abeyance till a decision is taken on Exts.P7 and P8 by the Family Court, Thiruvananthapuram.

Notice to the respondents has been returned unserved as "not known". Thereafter by order dated 19-7-2007 we directed the petitioner to serve notice on the counsel appearing before the Family Court. On 27-7-2007 we again issued a direction to the petitioner to serve notice on the counsel for the respondents appearing before the Family Court, showing that the case is posted before this court on 1-8-2007. It is brought to our notice that notice has been served on the counsel appearing before the Family Court. Despite such steps taken for service of notice on the respondents, there is no appearance for the respondents.

There is an interim order since 19-7-2007. Therefore, the writ petition is allowed in terms of the prayer as extracted above with a direction to the Family Court, Thiruvananthapuram to dispose of Exts.P7 and P8 within a period of three months from today. The interim order dated 19-7-2007 will continue till such time.

The registry will immediately communicate a copy of this judgment and the writ petition to the Family Court, Thiruvananthapuram.

(KURIAN JOSEPH, JUDGE)

(T.R.RAMACHANDRAN NAIR, JUDGE)

ahg.